ðITEM NO.2 COURT NO.2 SECTION III

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

I.A. No.2 in
Petition(s) for Special Leave to Appeal (Civil) No(s).21328/2007

(From the judgement and order dated 31/08/2007 in WP No.6183/2007
of The HIGH COURT OF BOMBAY)

M/S DINESH INTERNATIONAL LTD. Petitioner(s)

VERSUS

UNION OF INDIA & ANR. Respondent(s)

(For extension of time for depositing the money and office report)

Date: 18/12/2009 This Matter was called on for hearing today.

CORAM :
HON'BLE MR. JUSTICE S.H. KAPADIA
HON'BLE MR. JUSTICE H.L. DATTU
HON'BLE DR. JUSTICE B.S. CHAUHAN

For Petitioner(s) Mr. Soli J. Sorabjee,Sr.Adv.
Mr. Jay Savla,Adv.

For Respondent(s) Mr. Parag P. Tripathi,ASG
Mr. T.V. Ratnam,Adv.
Mr. B. Krishna Prasad,Adv.

UPON hearing counsel the Court made the following
O R D E R

There was a delay in making pre-deposit of Rs. 45,00,000/- in the pending matter before the Customs, Excise and Service Tax Appellate Tribunal, Mumbai, (for short, "CESTAT) being Appeal No. 796 of 2006. Consequently, on 23rd January, 2008, CESTAT dismissed Appeal No. 796 of 2006.

...2/-

Be that as it may, the position today is that the assessee has made the pre-deposit after a lapse of about sixteen months on 20th May, 2009.

On facts and circumstances of this case, we hereby direct the petitioner (assessee) to pay interest @ 9 per cent on Rs. 45,00,000/- for the period 11th January, 2008 up to 20th May, 2009 on Rs. 45,00,000/- within two weeks from today to the Department. On payment of the said amount, we direct the CESTAT to expeditiously hear and dispose of Appeal No. 796 of 2006 preferred by the assessee, preferably within six to eight weeks.

Before concluding, we may clarify that the amount of approximately Rupees twenty crores is lying deposited in the High Court on account of some inter-se dispute in Suit No. 645 of 2006. We make it clear that this order will not have any effect on the pending suit and the said amount of Rupees twenty crores shall remain deposited in the High Court till the disposal of Appeal No. 796 of 2006 by CESTAT.

Interlocutory Application is accordingly disposed of.

[T.I. Rajput]
A.R.-cum-P.S.

[Madhu Saxena]
Court Master